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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,032	03/31/2004	Jeffrey C. Clift	7162-0120	6267

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EXAMINER

LAU, HOI CHING

ART UNIT PAPER NUMBER

2636

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/814,032	CLIFT ET AL.	
	Examiner	Art Unit	
	Hoi C. Lau	2636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/31/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claims 1- 15 have been examined.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 - 3, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Lea et al. (U.S. 2004/0169589).

Regarding **Claim 1**, Lea's system comprises:

operating a plurality of tracking station in wireless ad-hoc network (page 3, paragraph 63, 65 and 66);

assigning to the entity at a first of the plurality of tracking stations a unique identifier (page 3, paragraph 66 and page 4, paragraph 82);

wirelessly transmitting the unique identifier from the entity to a least a second of the plurality of tracking stations (Figure 20 and 20a, page 1, paragraph 9 and page 3, paragraphs 61 and 66);

dynamically varying the number of the tracking stations on an ad-hoc basis responsive to variations in a tracking environment (page 6, paragraphs 121 and 140).

As to **Claim 2**, Lea's system teaches the step of wirelessly transmitting the unique identifier comprises selectively communicating the unique identifier to the at least a second tracking station based on a predicated transit scenario of the entity (page 1, paragraph 18 and page 2, paragraph 39 and 43 and page 2, paragraph 73).

As to **Claim 3**, it teaches storing the unique identifier on memory attached to the entity (page 4, paragraph 84). It is inherent that memory is a data-store.

As to **Claim 7**, Lea's system teaches wirelessly transmitting the unique identifier to a library "middleware" layer which handles all traffic to and from the tracking station/unique identification and the application and application database where the "middleware" layer performs the same function as a logging station (page 7, paragraphs 163-167).

As to **Claim 8**, Lea's system teaches propagating from the logging station to at least one of the plurality of tracking stations data that is relevant to the at least one of the plurality of tracking stations (page 3, paragraphs 26-27).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 4 – 6 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lea et al. (U.S. 2004/0169589) in view of Larson et al. (U.S. 2005/0087596).

As to **Claim 4**, Lea's system meets all the limitation of claims except it fails to show storing the unique identifier on a radio frequency identification tag.

However, Lea's system teaches the transponders have a unique ID or identification (page 4, paragraphs 82-83).

Larson's system teaches storing the unique identifier on a radio frequency identification tag (page 6, paragraph 60).

It would have been obvious to one of ordinary skill in the art at the time to implement Larson's RFID into Lea's system because Bluetooth transponder is a well-known subset of RFID tags which critics regard the technologies as essentially the same.

As to **Claim 5**, Lea's system suggests interface to a Biometric system to verify person and pass match for added security. For additional security, unique biological identifiers may be interfaced to the system (page 8, paragraph 185).

It fails to clearly state the step of assigning a unique identifier comprises performing a biometric scan of the entity.

Larson's system teaches this feature (page 3, paragraphs 31 and 36).

It would have been obvious to one of ordinary skill in the art at the time to implement Larson's biometric scan into Lea's system because it would provide an additional layer of security.

As to **Claim 6**, Larson's system teaches the biometric scan comprises at least one process selected from the group consisting of a facial scan, an iris scan, a fingerprinting, and obtaining a palm print (page 3, paragraphs 31 and 36).

As to **Claim 9**, the combination meets all the limitation of claims except it fails to show the data is propagated during a system boot of the at least one of the plurality of tracking stations. However, Larson's system shows periodically synchronize the system with current information (page 4, paragraph 41 and page 5, paragraphs 50 and 53, and page 8, paragraph 76).

It would have been obvious to one of ordinary skill in the art at the time the periodic update throughout the system inherent the initial propagation includes system boot.

4. **Claims 10-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (U.S. 2005/0087596) in view of Lea et al. (U.S. 2004/0169589).

Regarding **Claim 10**, Larson's system teaches at least two tracking stations, each of the tracking stations comprise:

- a processor (page 3, paragraph 34 and page 8, paragraph 75);

- a wireless network adapter capable of operating in a wireless network (page 3, paragraph 36 and page 8, paragraph 75);

- a radio frequency identification scanning device (page 8, paragraph 75).

The combination teaches the practice of ad-hoc wireless network. See claim 1 for rejection.

As to **Claim 11**, Larson's system teaches the processor, the wireless network adapter and the radio frequency identification scanning device are incorporated into a single unit (page 3, paragraphs 34-36 and page 8, paragraph 75).

As to **Claim 12**, Larson's system teaches each of the tracking stations comprises a biometric scanning device capable of uniquely identifying a person (page 3, paragraphs 34-36 and page 8, paragraph 75).

As to **Claim 13**, Larson's system teaches the processor, the wireless network adapter, and the radio frequency identification scanning device and the biometric scanning device are incorporated into a single unit (page 3, paragraphs 34-36 and page 8, paragraph 75).

As to **Claim 14**, Larson's system teaches the processor and wireless network adapter are components of a personal computer (page 3, paragraphs 34-36).

5. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al. (U.S. 2005/0087596) in view of Lea et al. (U.S. 2004/0169589), in further view of Huomo (U.S. 2004/0263319).

As to Claim 15, the combination meets all the limitation of claims except it fails to show the processor and wireless network adapter are components of a laptop computer. However, Larson's system shows the practice of Personal Digital Assistant (PDA) instead of laptop computer (page 7, paragraph 67).

Huomo's system shows the mobile tracking system may be any type of mobile terminal such as PDA, laptop/notebook computer or other portable computer device (page 1, paragraph 6 and page 5, paragraph 40 and page 9, paragraph 69).

It would have been obvious to one of ordinary skill in the art at the time to replace laptop computer with PDA because laptop computer would provide similar functionality but provide more processing power and display alternatively.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Twitchell, Jr (U.S. 2002/0119770) teaches a method of forming an ad hoc hierarchical communication network involves associating a plurality of wireless transceivers with articles, and assigning to each of the transceiver a class designation representative of a characteristic or behavior of the article with which the transceiver is associated. Copley et al. (U.S. 2005/0068169) shows system for monitoring the location of individuals includes a wearable device worn by the individual and a portable device operatively coupled to the wearable device. Jarvis (U.S. 6,690,673) teaches a method and apparatus for a biometric transponder based activity management system in a define area. Bowers et al. (U.S. 6,693,539) teaches an article inventory control system for articles uses RFID tags attached to each article. Each tag has a unique identification or serial number for identifying the individual article. An inventory database tracks all of the tagged article and maintains circulation status information for each article. Fuerst et al. (U.S. 2005/0062603) teaches a system and method of monitoring in a secured fashion the access, storage and retrieval of information, using a networked modular wireless device. The system may include a network of wireless, Wi-Fi device or Nodes.



Art Unit: 2636

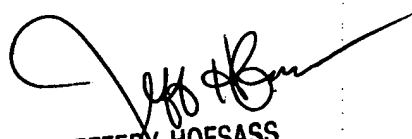
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoi C. Lau whose telephone number is (571)272-8547.

The examiner can normally be reached on M- F 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571)272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HCL

  
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